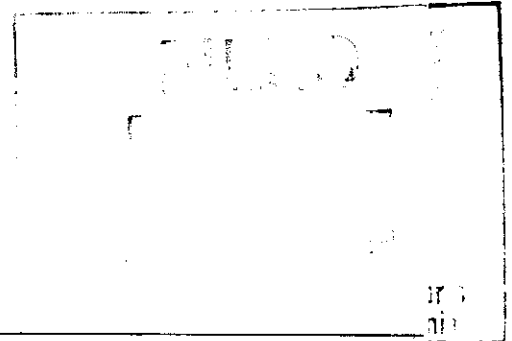


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION
Case No. 2:00-0020

In the Matter of the Complaint of
Shelly Materials, Inc. as owner of the
M/V DIRK TAYLOR, Official No. 608017,
for Exoneration From or Limitation of Liability



REQUEST FOR ENTRY OF DEFAULT

Shelly Materials, Inc. requests the Court to enter a default against any and all potential claimants and/or other interested parties in this proceeding, other than William Joseph Dapper and Kathy Jenne, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for their failure to plead or otherwise defend as to the above-captioned action as appears from the attached affidavit.

RESPECTFULLY SUBMITTED, this the 28th day of April, 2000.

FLAHERTY, SENSABAUGH & BONASSO
P.O. Box 3843
Charleston, West Virginia
(304) 347-4209
(304) 345-0260 (Fax)

and

GAULT, MARSHALL & MILLER, PLLC
P.O. Box 30
Paducah, KY 42002-0030
(270) 442-1900
(270) 442-8247 (fax)

By: E. Spivey Gault

E. Spivey Gault


Attorneys for Shelly Materials, Inc.

18

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by U.S. Mail, postage prepaid, to the following parties on this 26th day of April, 2000:

Scott E. Stewart, Esq.
Stewart and DeChant Co., L.P.A.
The Standard Building
1370 Ontario Street, Suite 1440
Cleveland, OH 44113-1701
Attorney for William Joseph Dapper
and Kathy Jenne



Attorney for Shelly Materials, Inc.

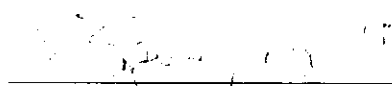
AFFIDAVIT

Being first duly sworn, E. Spivey Gault states:

1. I am a partner of the law firm of Gault, Marshall & Miller, PLLC;
2. I am duly authorized as one of the attorneys of record for Plaintiff-in-Limitation, Shelly Materials, Inc., and have personal knowledge of the facts set forth herein;
3. Plaintiff-in-Limitation filed a Complaint for Exoneration from or Limitation of Liability with this Court on January 10, 2000, and this Court issued its Order directing that notice of the filing of the Complaint be given to all potential claimants by publication in The Charleston Daily Mail and ordering that any persons claiming interest in the proceeding to file a claim for damages or losses on or before the 10th day of April, 2000;
4. On January 17, 2000, Plaintiff-in-Limitation caused copies of Notice of Filing of Complaint Seeking Exoneration from or Limitation of Liability in Civil Action No. 2:00-0020 to be served by United States mail, certified with return receipt requested, on Scott E. Stewart, Esq., Attorney for William Joseph Dapper and Kathy Jenne (See Exhibit A);
5. Plaintiff-in-Limitation further caused the publication of Notice of Filing Complaint Seeking Exoneration from or Limitation of Liability in The Charleston Daily Mail newspaper (see Affidavit of Publication attached hereto as Exhibit B);
6. As of this date, William Joseph Dapper and Kathy Jenne are the only parties having filed a claim and/or answer in this proceeding;
7. The undersigned is not aware of any claimants having a potential claim or other interest in this proceeding. If there are any, they have failed to answer or otherwise defend as to the Complaint or to serve copies of any claims or other defenses that they

might have had upon either Flaherty, Sensabaugh & Bonasso or Gault, Marshall & Miller, PLLC, Attorneys for Plaintiff-in-Limitation; and

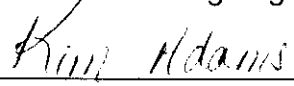
8. This Affidavit is executed by affiant in accordance with Rule 55(a) of the Federal Rules of Civil Procedure for the purpose of enabling Plaintiff-in-Limitation to obtain an entry of default against all other persons for their failure to file claims or answers to the aforementioned Complaint.




E. Spivey Gault

STATE OF KENTUCKY

COUNTY OF MCCRACKEN

The foregoing instrument was SUBSCRIBED AND SWORN TO before me,

_____, a notary public in the State of Kentucky, by E. Spivey
Gault, on this the 24 day of April, 2000.

My Commission Expires: 6/15/01



NOTARY PUBLIC

LAW OFFICES
GAULT, MARSHALL & MILLER

THE CENTER FOR MARITIME EDUCATION BUILDING

129 SOUTH WATER STREET

P. O. BOX 30

PADUCAH, KENTUCKY 42002-0030

E-MAIL ADDRESS gmm@gaultlaw.com

E. SPIVEY GAULT¹
CARL J. MARSHALL¹
BOBBY R. MILLER, JR.
L. LANSDEN KING

¹ALSO ADMITTED IN MS

TELEPHONE (270) 442-1900

FACSIMILE (270) 442-8247

January 17, 2000

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Scott E. Stewart, Esq.
Stewart and DeChant Co., L.P.A.
The Atrium Office Plaza, Suite 850
668 Euclid Avenue
Cleveland, OH 44114-3060

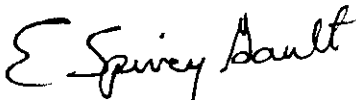
**RE: In the Matter of the Complaint of Shelly Materials, Inc. as owner of the M/V
DIRK TAYLOR, Official No. 608017, for Exoneration From or Limitation of
Liability, United States District Court, Southern District of West Virginia,
Charleston Division, Case No. 2:00-0020**

Dear Mr. Stewart:

Consistent with the Court's Order and the applicable rules, I am enclosing a copy of the Notice issued by the Clerk of the United States District Court for the Southern District of West Virginia, Charleston Division, advising that Shelly Materials, Inc. has filed a Complaint seeking exoneration from or limitation of liability in that Court. Additionally, I am enclosing copies of the Complaint itself and the Order directing Issuance of Notice and Restraining Suits.

If you have any questions, please give me a call.

Yours very truly,



E. Spivey Gault

ESG/sc

Enclosures



<p>SEND TO: <i>DEPT 25</i></p> <p><input type="checkbox"/> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.</p>		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery</p>	
		<p>3. Article Addressed to:</p> <p>SCOTT E STEWART ESQ STEWART AND DECHANT CO THE ATRIUM OFFICE PLAZA SUITE 850 668 EUCLID AVENUE CLEVELAND OH 44114-3060</p>	
<p>4a. Article Number</p> <p>Z 206 669 560</p>		<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD</p>	
<p>5. Received By: (Print Name)</p>		<p>7. Date of Delivery</p> <p>JAN 24</p>	
<p>6. Signature (Addressee or Agent)</p> <p><i>[Signature]</i></p>		<p>8. Addressee's Address (Only if requested and fee is paid)</p>	
<p>Is your RETURN ADDRESS completed on the reverse side?</p>		<p>Thank you for using Return Receipt Service.</p>	

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION
Case No. 2:00 - 0020

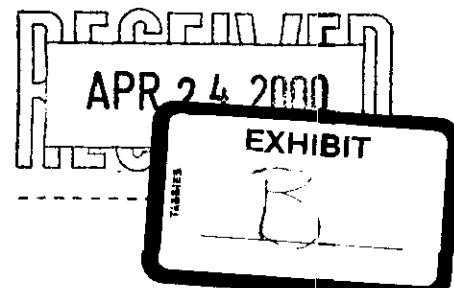
In the Matter of the Complaint of
Shelly Materials, Inc. as owner of the
M/V DIRK TAYLOR, Official No. 608017,
for Exoneration From or Limitation of Liability

NOTICE OF PUBLICATION

PLEASE TAKE NOTICE that Shelly Materials, Inc. owner of the M/V Dirk Taylor caused to be published the attached Legal Notice in the Charleston Newspapers on February 19, 2000, February 26, 2000, March 4, 2000 and April 8, 2000. (See affidavit of service attached as Exhibit A).



David S. Givens, WV Bar No. 6319
Scott H. Kaminski, WV Bar No. 6338
Flaherty, Sensabaugh & Bonasso, PLLC
P. O. Box 3843
Charleston, WV 25338-3843
(304) 345-0200



04/03/00 11:32 304 348 1239

CN ACCOUNTING

002



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS



INVOICE DATE	03/06/00
ACCOUNT NBR	078360004
SALES REP ID	0016
INVOICE NBR	719100001

M

BILLED
TO

FLAHERTY SENSABAUGH AND
BONASSO
200 CAPITOL STREET
CHARLESTON

WV 25338

Please return this portion with your payment.
Make checks payable to: Charleston Newspapers

AMOUNT PAID: _____



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS
FEB 55-0676079

INVOICE DATE	03/06/00
ACCOUNT NBR	078360004
SALES REP ID	0016
INVOICE NBR	719100001

Legal pricing is based upon 63 words per column inch at a rate of \$.0925 per word.
Each successive insertion is discounted by 25% of the first insertion rate (\$.069375 per word).

DATE	AD TYPE	AD	DESCRIPTION	AD NUMBER	AD RATE	AMOUNT	AD COST
02/19	LEGF	GZ	SHELLY MATERIALS INC 719100001	L433284	1X0788 7.88	5.82 45.87	45.87
02/26	LEGR	GZ	SHELLY MATERIALS INC 719100002		1X0788 7.88	5.82 45.87	45.87
			LEGAL DISCOUNT 25%			11.47-	34.40
03/04	LEGR	GZ	SHELLY MATERIALS INC 719100003		1X0788 7.88	5.82 45.87	45.87
			LEGAL DISCOUNT 25%			11.47-	34.40

State of West Virginia,

AFFIDAVIT OF PUBLICATION

I, _____ of _____

published in the city of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of:

was duly published in said paper(s) during the dates listed below and was posted at the front door of the court house of said Kanawha County
West Virginia, on the _____ day of _____ . Published during the following dates:

Subscribed and sworn to before me this _____ day of _____.

Printers fee \$ _____

Notary Public of Kanawha County, West Virginia

Notary Public of Kanawha County, West Virginia



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS
FEIN 55-0676079

INVOICE DATE	04/10/00
ACCOUNT NBR	078360004
SALES REP ID	0016
INVOICE NBR	728857001

Legal pricing is based upon 63 words per column inch at a rate of \$.0925 per word.
Each successive insertion is discounted by 25% of the first insertion rate (\$.069375 per word).

ISSUE DATE	AD TYPE	PUB	DESCRIPTION	REFERENCE NBR	AD NUMBER	AD SIZE	TOTAL RUN	RATE	GROSS AMOUNT	NET AMOUNT
04/08	LEG	GZ	SHelly MATERIALS		L433763	1X0850	8.50	5.82	49.47	49.47
			728857001							
TOTAL INVOICE AMOUNT										49.47

AFFIDAVIT OF PUBLICATION

State of West Virginia

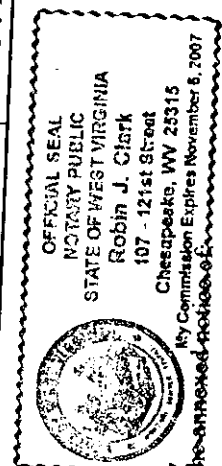
LEGAL NOTICE
DISTRICT COURT
SOUTHERN DISTRICT
OF WEST VIRGINIA
DIVISION

In the Matter of the
Complaint of Shelly Mate-
rials, Inc., as owner of
Official No. 608017, for
Exoneratlon from or
Limitation of Liability
NOTICE OF FILING
OF EXONERATION
FROM OR LIMITATION
OF LIABILITY

NOTICE IS HEREBY
GIVEN that Shelly Mate-
rials, Inc., owner of the
M/V DIRK TAYLOR, has
filed a Complaint seeking
exoneratlon from or limi-
tation of liability or pursu-
ant to Title 46 USC sec-
tion 181, et seq. of the
United States Code.

YOU ARE FURTHER
NOTIFIED that Shelly
Materials, Inc., by filing
such Complaint, seeks
and Order exonerating it
from all liability for
claims, losses and dam-
ages arising out of or at-
tributable to the injury of
William Joseph Dapper
which occurred on or
about September 4, 1992.
M/V DIRK TAYLOR
which was moored on the
Kanawha River at ap-
proximately Mile 58.3 in
Charleston, WV.

All firms, persons or
other parties who are
interested in this matter
are hereby notified that
they should file their
answers to this Complaint
with the Clerk of the
District Court, Southern
District of West Virginia,
Division, in the Matter
of the Complaint of Shelly
Materials, Inc., as owner
of Official No. 608017, for
Exoneratlon from or
Limitation of Liability.



Subscribed and sworn to before me at the front door of the court house of said Kanawha County,
during the following dates: 04/08/00 - 04/08/00

Robin J. Clark

Notary Public of Kanawha County, West Virginia

Subscribed and sworn to before me at the front door of the court house of said Kanawha County,
during the following dates: 04/08/00 - 04/08/00

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION
Case No. 2:00 - 0020


In the Matter of the Complaint of
Shelly Materials, Inc. as owner of the
M/V DIRK TAYLOR, Official No. 608017,
for Exoneration From or Limitation of Liability

CERTIFICATE OF SERVICE

I, Scott H. Kaminski, counsel for Shelly Materials, Inc. owner of the M/V Dirk Taylor, do hereby certify that the **Notice of Publication** has been served upon the following counsel of record, by place a true and exact copy thereof in a properly addressed envelope on this 19th day of April, 2000:

E. Spivey Gault, Esquire
Gault, Marshall & Miller
P. O. Box 30
Paducah, KY 42002-0030

Scott E. Stewart, Esquire
Stewart & Dechant Co., LPA
The Standard Bldg.
1370 Ontario St Suite 1440
Cleveland, OH 44113-1701



Scott H. Kaminski

David S. Givens, WV Bar No. 6319
Scott H. Kaminski, WV Bar No. 6338
Flaherty, Sensabaugh & Bonasso, PLLC
P O Box 3843
Charleston, WV 25338-3843
(304) 345-0200